



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CUNNINGHAM, Ian
Application No. : 09/749,758
Filed : December 28, 2000
Title : BANDWIDTH ALLOCATION IN ETHERNET NETWORKS
Group/Art Unit : 2153
Examiner : Lim, K.

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Technology Center 2100

Honorable Commissioner of Patents
Washington DC 20231

Sir:

In response to the Office Action of June 10, 2004 and further to our telephone interview of August 27, 2004 with Robert Feutlinske (Reg. No. 37, 994) and myself (Shannon Beech, Reg. No. 53,924), the Applicants submit the following remarks.

REMARKS

The application contains claims 1 to 12. In view of the foregoing remarks, Applicant respectfully requests allowance of the application.

Independent claims 1, 4, 7 and 10 have been rejected under 35 U.S.C. 102(e) for being anticipated by U.S. Patent 5,884,037 (Aras et al.). Dependent claims 2-3, 5-6, 8-9 and 11-12 have been objected to as being dependent upon a rejected base claim.

The Aras et al. reference pertains to the problem of establishing a path in a network between two points for traffic that is non-conforming (i.e., "traffic that does not use the